REMARKS

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks.

Interview Summary

On behalf of the Applicants, the undersigned wishes to express appreciation to Examiner Pellegrino for the courtesies extended during the personal interview conducted on October 9, 2007. During the interview the disclosures of WO 97/27898 to Evard et al. ("Evard"), U.S. Patent No. 5,123,917 to Lee et al. ("Lee"), and U.S. Patent No. 5,246,445 to Yachia et al. ("Yachia") were discussed in light of the currently pending claims. Also, potential claim amendments were discussed.

Claims 1-4, 6-8, and 17-23 are allowable

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee and further in view of Yachia. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evard in view of Lee and further in view of U.S. Patent No. 5,645,559 to Hachtman et al. ("Hachtman").

Independent claim 1 recites "[a] stent for use within a body lumen of a patient, comprising: (a) a coil segment ... comprising a wound element including one or more windings spaced from each other ... the spaced windings being separated by a distance of at least about 0.5 millimeters ... and (b) a flexible polymer material encapsulating the coil segment and disposed between the spaced windings ... the imperforate flexible webbing comprising an outer layer and an inner layer, the outer and inner layers adhered together to encapsulate the coil segment." As

discussed with the Examiner, the Applicants respectfully submit that it would not have been obvious to one skilled in the art to modify the device disclosed in Evard to include the covering and spacing disclosed in Lee.

Evard discloses a wound coil for connecting a first anatomical lumen with a second anatomical lumen by inserting the wound coil between the first and second anatomical lumens to create a third lumen. Lee discloses an intraluminal vascular graft configured to provide support to an existing body lumen. The device disclosed in Lee is made of ring-like scaffold members held together by two layers of material. Accordingly, both the structure and the use of the device disclosed in Lee is different than that of the device disclosed in Evard. Thus, as discussed with the Examiner, it would not have been obvious to one skilled in the art to combine the features of a device configured to provide support to an existing body lumen as disclosed in Lee (the spacing between ring-like scaffold members and the two layers of material used to hold together and enclose the ring-like scaffold members) with a wound coil used to connect a first anatomical lumen with a second anatomical lumen as disclosed in Evard. Accordingly, the Applicants respectfully submit that independent claim 1, and its dependent claims, are patentably distinct from the cited references.

Furthermore, the applicants submit that the claims that depend from independent claim 1 may also be allowable based on additional subject matter recited in such dependent claims. For example, claim 6 recites a stent "wherein each of the distal and proximal portions includes one or more hooks to permit connection to a delivery system." Similarly claim 23 recites a stent "wherein at least one of the distal and proximal portions includes a hook to permit connection to a delivery system." As discussed with the Examiner, it would not have been obvious to one

skilled in the art to further modify the device disclosed in Evard as modified by Lee with the attachment means of the device disclosed in Yachia. Yachia discloses a spiral used to open and/or maintain the opening in a constricted body duct with attachment means at each end of the spiral allowing the spiral to be attached to an insertion member. The spiral disclosed in Yachia does not include a covering. Because the device disclosed in Evard is used to connect a first anatomical lumen with a second anatomical lumen, the device is inserted into the body in a different manner than the device disclosed in Yachia. Thus, there is no reason or motivation to include attachment means as disclosed in Yachia at each end of the device disclosed in Evard as modified by Lee. Accordingly, the Applicants respectfully submit that dependent claim 6 and dependent claim 23 are patentably distinct from the cited references.

Claim 18 recites a stent "wherein the middle portion of the coil segment and the proximal portion of the coil segment both include wound elements including one or more windings spaced from each other, the spaced windings being separated by a distance of at least about 0.5 millimeters." The Applicants submit that the cited references (including Evard, Lee, Yachia and Hachtman), alone or in proper combination, do not disclose or suggest a stent as disclosed in dependent claim 18. Specifically, Evard fails to disclose a device with spaced windings at the proximal and distal ends and none of the other cited references (including Lee, Yachia, and Hachtman) provides a motivation to modify the device disclosed in Evard in such a manner.

CONCLUSION

All of the stated grounds of rejection have been traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that such rejections be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 CFR §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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Respectfully submitted,
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